

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 3-6-02

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :
OF THE LICENSE OF :

JOHN G. MC INTYRE, JR., D.D.S. :
Licensed No. DI 15633 :

TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

Administrative Action

FINAL ORDER
OF DISCIPLINE

CERTIFIED TRUE COPY

This matter was opened to the Board of Dentistry ("Board") on information received from the Division of Criminal Justice, Office of the Insurance Fraud Prosecutor ("OIFP"), and upon the receipt of six patient complaints from patients, J.M., C.B., C.V., R.S., W.L., and W.F. regarding John Mc Intyre, D.D.S. ("respondent"), which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDING OF FACTS

1. Respondent has been a licensee of the Board at all times relevant to this order.
2. On November 9, 2000, respondent entered into a consent order with OIFP agreeing to pay a civil penalty in the amount of \$5000.00 upon a finding that he knowingly signed and submitted a claim to the Prudential Insurance Company of America certifying that Comprehensive Orthodontic Treatment (procedure code 08070) was completed when, in fact, only Phase I of the orthodontic treatment was provided to patient Z. A., in violation of N.J.S.A. 17:33A-4. Consent Order annexed here as Exhibit A.
3. By regular mail dated March 28, 2000, the Board requested patient records regarding patient R.S. Because respondent did not comply with the Board's request, a second request, dated April 27, 2000, was forwarded by regular and certified mail. Neither the certified mail return

receipt green card nor the regular mail was returned. Respondent did not comply with the Board's request for patient records. A third request dated, June 27, 2000, was made by regular and certified mail. The regular mail was not returned. As evidenced by the return receipt card (Exhibit B), respondent received the June 27, 2000 letter. To date respondent has not complied with the Board's request.

4. By regular mail dated May 31, 2000, the Board requested a copy of the patient records regarding patient J.M. Because respondent did not comply with the Board's request, a second request dated July 3, 2000 was sent by regular and certified mail. The certified mail was returned marked "return to sender" and the regular mail was not returned. A copy of the July 3, 2000 letter and a copy of the certified mail envelope is attached as Exhibit C. To date respondent has not complied with the Board's request.

5. By regular mail dated August 3, 2000, the Board requested patient records regarding patient C.B. Because respondent did not comply with the request, a second request dated December 2, 2000 was made by regular and certified mail. The certified mail was marked "return to sender" and the regular mail was not returned. A copy of the August 3, 2000 and December 2, 2000 letters and a copy of the certified mail envelope are attached as Exhibit D. To date respondent has not complied with the Board's request.

6. By regular mail dated August 8, 2000, the Board requested patient records regarding patient C.V. A copy of the August 8, 2000 letter is attached as Exhibit E. The regular mail was not returned. To date respondent has not complied with the Board's request.

7. By regular mail dated January 16, 2001, the Board requested patient records regarding patient W.L. A copy of the letter dated January 16, 2001 is attached as Exhibit F. The regular mail was not returned. To date respondent has not complied with the Board's request.

8. By regular mail dated January 25, 2001, the Board requested patient records regarding patient W.F. A copy of the letter dated January 25, 2001 is attached as Exhibit G. The regular mail was not returned. To date respondent has not complied with the Board's request.

9. On January 31, 2001, a subpoena was sent by regular and certified mail requiring respondent to appear on February 21, 2001 and to produce records previously requested. The certified mail was returned "return to sender" and the regular mail was not returned. A copy of the Subpoena and a copy of the certified mail envelope are marked as Exhibit H.

10. Respondent did not produce the records nor did he appear on February 21, 2001.

11. On February 21, 2001 a male representing himself to be John McIntyre telephoned the Board Office and spoke to Lynn Edler. The caller advised that he was unable to appear because his car was stolen. The caller further stated that he would send a copy of the police report to the Board office by fax. To date the Board office has not received a copy of a police report.

12. On February 28, 2001 the Board sent a letter by certified and regular mail to respondent requesting that he forward a copy of the police report relating to the purported theft of his motor vehicle on or about February 21, 2001, the date of respondent's subpoenaed appearance. To date respondent has failed to respond to the request. A copy of the letter and the certified mail envelope marked "return to sender" are attached as Exhibit I.

CONCLUSIONS OF LAW

Respondent's actions as set forth in this final order provide grounds for disciplinary action pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq. Respondent's signing a consent order with the Office of the Insurance Fraud Prosecutor provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (b) and (k). Further, respondent's conduct in failing repeatedly to respond to the Board's request for information and patient records and failing to appear pursuant to a Board subpoena provides grounds for discipline in violation of N.J.S.A. 45:1-

21 (e) as professional misconduct and in violation of N.J.S.A. 45:1-21 (h) as failing to comply with a regulation administered by the Board, specifically N.J.A.C. 13:45C-1.3 pertaining to a licensee's duty to cooperate.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice dentistry in the State of New Jersey was entered on July 11, 2001 and served on respondent by personal service on October 12, 2001 in the State of Pennsylvania. A copy of the Provisional Order of Discipline along with the Affidavit of Service is attached as Exhibit J. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent failed to respond and the Board scheduled finalization of the order at its meeting of December 5, 2001. Respondent retained Robert J. Conroy, Esq., who made a request to adjourn the matter until January 2, 2001 which request was granted with further instructions by the Board that respondent's response be provided to the Board office by December 24, 2001 with a reply from the Attorney General to be provided to the Board and to Mr. Conroy by December 31, 2001. A copy of the December 4, 2001 letter advising respondent's attorney of these deadlines is attached as Exhibit K. Respondent failed to respond by December 24, 2001. By letter dated December 27, 2001, Mr. Conroy, counsel for respondent, stated that the materials requested would not be available until January 3, 2001. A copy of the December 27, 2001 letter is attached as Exhibit L.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

IT IS THEREFORE, ON THIS 6th DAY OF MARCH, 2002

ORDERED that:

1. Respondent shall comply with all outstanding requests for information from the Board, including the submission of the true copies of complete patient records for those patients identified in this Order as R.S., J.M., C.B., C.V., W.L., and W.F., and the submission of a true copy of the police report related to the theft of respondent's motor vehicle.

2. In addition to the suspension imposed in paragraph 3 below, respondent's license to practice dentistry in the State of New Jersey shall be suspended, effective April 7, 2002, indefinitely. Respondent's license shall remain suspended pursuant to this paragraph until he complies with outstanding requests for information and satisfies all monetary obligations imposed pursuant to a final order entered in this matter.

3. Based on respondent's conduct which resulted in the entry of the Consent Order by respondent and the Office of the Insurance Fraud Prosecutor, respondent's license to practice dentistry in this State shall be suspended for a period of 2 years, of which 3 months shall be served as an active suspension. The period of suspension set forth in this paragraph shall commence immediately following the conclusion of the period of suspension imposed in Paragraph 2 above.

4. Respondent shall pay a civil penalty in the amount of \$12,500.00; \$7,500.00 of which represents a penalty for violation of N.J.S.A. 45:1-21 (e) and (h) for the failure to cooperate, and \$5,000.00 of which reflects a penalty for violation of N.J.S.A. 45:1-21(b) and (k) knowing submission of a false insurance claim. Payment shall be made by certified check or money order

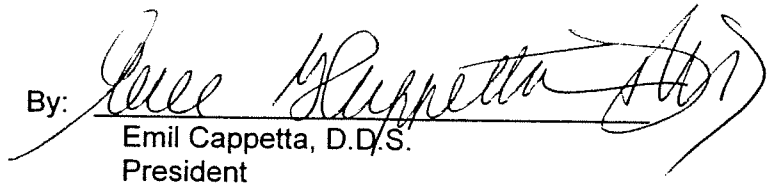
payable to the State of New Jersey and submitted to Kevin B. Earle, Executive Director, Board of Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street Newark, New Jersey, within 30 days of entry of a final order in this matter.

5. Respondent shall pay costs as determined by the Board which costs shall be set forth in an affidavit and provided to respondent within sixty (60) days of the entry of the final order in this matter. Respondent, within thirty (30) days of receipt of the notice of such costs, shall forward a certified check or money order in the amount of costs assessed to Executive Director Kevin B. Earle at the address in paragraph 4 above.

6. Respondent's refusal to accept correspondence from the Board, whether by certified or regular mail or through personal service, shall be deemed non compliance with the terms of this order for purposes of the suspension imposed by paragraph 2 above.

NEW JERSEY STATE BOARD OF DENTISTRY

By:


Emil Cappetta, D.D.S.
President

Exhibit

A

000-4661

State of New Jersey
DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF INSURANCE FRAUD PROSECUTOR



CONSENT ORDER NO. 99-11089-44

In the Matter of)
John G. McIntyre, Jr. DDS)
237 S. Chancellor Street)
Newtown, PA 18940)
Respondent.)

CONSENT ORDER

This matter having been opened to the Office of Insurance Fraud Prosecutor of the State of New Jersey, upon information indicating that Respondent, John G. McIntyre, Jr., DDS, currently residing at 237 S. Chancellor Street, Newtown, PA 18940 , having a date of birth of October 8, 1957 , and Pennsylvania driver's license number 21485610, may have violated the provisions of *N.J.S.A. 17:33A-4*, and

WHEREAS, Respondent, John G. McIntyre, Jr., DDS, did knowingly sign and submit a claim dated 9/2/98 (Original Batch number 08990070970) to Prudential Insurance Company of America certifying Comprehensive Orthodontic Treatment (procedure code 08070) was completed when, in fact, only Phase I of the orthodontic treatment was provided to the patient, [REDACTED] and

IT APPEARING that the above conduct would constitute a violation of *N.J.S.A. 17:33A-1*, *et seq.*, and

WHEREAS, Respondent, John G. McIntyre, Jr., DDS, has been informed that he has a right to notice and to request a hearing, in accordance with the Administrative Procedure Act (*N.J.S.A. 52:14B-1 et seq.*), on the violation alleged herein before a civil and administrative penalty is imposed, and

WHEREAS, Respondent, John G. McIntyre, Jr., DDS , understands these rights and has voluntarily waived the right to notice and to a formal legal proceeding in this matter, and

WHEREAS, John G. McIntyre, Jr., DDS consents to pay a civil administrative penalty in the amount of \$5000.00, due immediately and payable within 30 days of entry of this order,

WHEREAS, the penalties of this Consent Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health, safety and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding, and

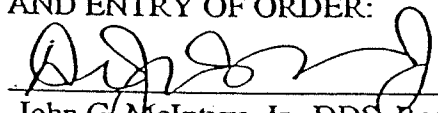
IT FURTHER APPEARING that the matter is suitable for resolution upon the consent of the parties and that Respondent and the Insurance Fraud Prosecutor desire to terminate this matter without further hearing or litigation, and for further good cause appearing; NOW, THEREFORE,

IT IS ON THIS 9th day of Nov., 2000,


ORDERED AND AGREED as follows:

1. A civil administrative penalty of \$5000.00 is imposed on Respondent, John G. McIntyre, Jr., DDS.
2. This Consent Order may be used against Respondent in any civil or administrative proceeding related to a violation of *N.J.S.A. 17:33A-1, et seq.*, including a license suspension or revocation proceeding.
3. Respondent, John G. McIntyre, Jr., DDS, consents to the entry of this final administrative order. Respondent understands that this final administrative order may be docketed with the Clerk of the Superior Court as provided in the Penalty Enforcement Law (*N.J.S.A. 2A:58-10 et seq.*).

CONSENTED TO-AS TO FORM, CONTENT
AND ENTRY OF ORDER:

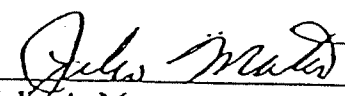

John G. McIntyre, Jr., DDS, Respondent

11-09-00
Date


Witness: Frederick J. Cestone
Investigator.

11/14/00
Date

JOHN J. SMITH
ACTING INSURANCE FRAUD PROSECUTOR

By: 
John A. Mateo
Deputy Chief Investigator
Office of Insurance Fraud Prosecutor

ADDENDUM TO CONSENT ORDER NO. 99-11089-44

INSTALLMENT PAYMENT AGREEMENT

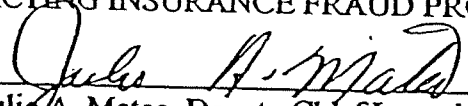
1. Upon execution of the Consent Order, Respondent, John G. McIntyre, Jr., DDS, shall pay the amount of \$5000.00 via an initial payment of \$500.00 followed by 30 monthly installment payments in the amount of \$150.00 commencing on January 1, 2001. These payments shall be by certified check, bank check or money order made payable to the Commissioner, Department of Banking and Insurance.

2. This signed order and initial payment are to be returned to Deputy Chief Investigator Julio A. Mateo at P.O. Box 094, Trenton, New Jersey 08625. All future installment payments are due by the 1st of each month and shall be mailed to: Commissioner, New Jersey Department of Banking and Insurance, P.O. Box 324, Trenton, NJ 08625. Consent Order No. 99-11089-44 shall be entered on all checks, money orders and communications.

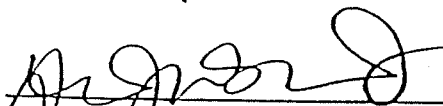
3. If the payment is not received by the Commissioner within ten (10) days of the date the payment is due, the entire amount of \$5000.00 imposed, less any payments theretofore made, is immediately due and owing, and the Commissioner may take such steps as she deems appropriate to collect the amount of the civil penalty, imposed by the Consent Order, plus interest, cost of collection and attorneys fees, which Respondent hereby agrees to pay. The Commissioner may refer the matter to the Department of Law and Public Safety to commence collection proceedings.

JOHN J. SMITH, JR.
ACTING INSURANCE FRAUD PROSECUTOR

By:


Julio A. Mateo, Deputy Chief Investigator
Office of the Insurance Fraud Prosecutor

Dated: 11-14-00


John G. McIntyre, Jr., DDS, Respondent

Dated: 11-09-00


Witness: Frederick Cestare, Investigator

Dated: 11-09-00

Exhibit

B



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, Jr.
Attorney General

MARK S. HERR
Director

Mailing Address

P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

March 28, 2000

Dr. John Mc Intyre
288 State Highway Route 35
Eatontown, NJ 07724

Re: Complaint #: 00-03-131
Pt.: [REDACTED]

Dear Dr. Mc Intyre:

The Board of Dentistry has received the attached letter of complaint from the above noted patient.

The Board has requested your written response to the patient's allegations. Kindly forward your narrative response to the Board's office within the next **fourteen (14)** days.

Your cooperation in this matter is anticipated.

Very truly yours,


Agnes M. Clarke
Executive Director

AMC/ck



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

MARK S. HERR
Director

April 27, 2000

SECOND REQUEST

VIA CERTIFIED MAIL 7099 3400 0001 5729 1580

Mailing Address

P.O. Box 45005
Newark, NJ 07101

(973) 504-6405

Dr. John Mc Intyre
288 State Highway Route 35
Eatontown, NJ 07724

RE: Complaint # 00-03-131
Patient: [REDACTED]

Dear Dr. Mc Intyre:

To date, the Board has received no response to our letter dated **March 29, 2000** (copy enclosed), with regard to it's request for records pertaining to the above noted complaint.

Pursuant to N.J.S.A. 13:45 C-1.3(copy enclosed), you are hereby directed to comply with the Board's demand for patient records. If such correspondence are not received within **ten (10) days** of receipt of this letter, the matter will be referred to the Division of Law for appropriate administrative action.

Your prompt attention to this matter is anticipated.

Very truly yours,

Agnes M. Clarke
Executive Director

AMC/ck
Enclosures

7099 3400 0001 5729 1580

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or P.O. Box No.

City, State, ZIP+4

PS Form 3800, July 1999

See Reverse for Instructions



VIA REGULAR & CERTIFIED MAIL

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

MARK S. HERR
Director

June 27, 2000

Mailing Address

P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Dr. Jon Mc Intyre Jr.
211 West Avenue
Raritan, NJ 08869

Re: Complaint #: 00-03-131
Pt.: [REDACTED]

Dear Dr. Mc Intyre:

The Board of Dentistry has received the attached letter of complaint from the above noted patient.

The Board has requested your written response to the patient's allegations. Kindly forward your narrative response to the Board's office within the next fourteen (14) days.

Your cooperation in this matter is anticipated.

Very truly yours,

Agnes M. Clarke
Agnes M. Clarke
Executive Director

AMC/ck

PLACE STICKER AT TOP OF ENVELOPE

SENDER: COMPLETE	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>7/6/00</u></p> <p>C. Signature <u>Margaret Pitt</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Mr. Pitt</u> <u>211 West Avenue</u> <u>Porter, NY 08769</u></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Copy from service label)</p> <p><u>0000 0000 0019 3356 0871</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-4M 1789

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

<p>Postage \$ _____</p> <p>Certified Fee _____</p> <p>Return Receipt Fee (Endorsement Required) _____</p> <p>Restricted Delivery Fee (Endorsement Required) _____</p> <p>Total Postage & Fees \$ _____</p>	<p>Postmark Here</p>
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Recipient's Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No., or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, February 2000 See Reverse for Instructions



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

MARK S. HERR
Director

July 25, 2000

Mailing Address:

P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

Dr. John Mc Intyre Jr.
211 West End Avenue
Raritan, NJ 08869

Re: Complaint # 00-03-131

PL: [REDACTED]

Dear Dr. Mc Intyre:

The Board of Dentistry has received a complaint regarding the above patient. It is the policy of the New Jersey State Board of Dentistry to investigate all written complaints relating to dental treatment.

In accordance with the authority granted to the Board at N.J.S.A. 45:1-18, please forward to this office legible copies of the following: ALL your patient's treatment records, including charts, treatment plans, all x-rays (properly mounted) and any models, a list of all charges and payments made (indicate whether payment was made by the patient or by insurance company), pre-treatment determinations, insurance claims forms and insurance claims vouchers. A check-list is included; please sign the completed form and return it with your response.

The Board also requests a response, in the form a SEPARATE WRITTEN NARRATIVE, detailing the treatment rendered to the patient. When submitting copies of x-rays, please have them labeled clearly, dated and PROPERLY MOUNTED (with left and right sides identified) with your name and address and patient's name on each sheet of x-rays so that they may be returned to you at the conclusion of the case. Be sure that the x-rays are of diagnostic quality, sharpness and contrast. In addition, please ensure that any models are identified by the patient name, your name and office address.

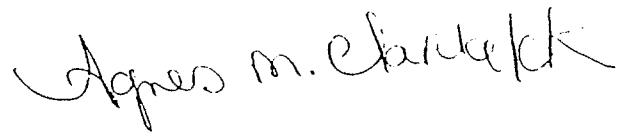
The Board will expect your records and response in twenty (20) days. Return the enclosed check-list with your response. You will be notified by letter of any decision by the Board as soon as possible.

The request for records in this patient complaint is deemed a continuing request. Any records, x-rays, consultation reports, etc. that you may receive and/or add to the file, prior to the disposition of this matter, are to be forwarded to the Board office with an appropriate explanation.

Please follow all directives in this correspondence PRECISELY. Failure to provide the Board with the information in the format detailed may result in the imposition of civil penalties by the Board.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Agnes M. Clarke".

Agnes M. Clarke
Executive Director

AMC/ck

cc: [REDACTED]

Enclosure

Exhibit

C



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FAR
Attorney Gen

MARE S. F
Director

May 31, 2000

Mailing Ad

P.O. Box 4
Newark, NJ

(973) 504

Dr. John Mc Intyre Jr
211 West End Avenue
Raritan, NJ 08869

Re: Complaint # 00-05-253

Pt: [REDACTED]

Dear Dr. Mc Intyre:

The Board of Dentistry has received a complaint regarding the above patient. It is the policy of the New Jersey State Board of Dentistry to investigate all written complaints relating to dental treatment.

In accordance with the authority granted to the Board at N.J.S.A. 45:1-18, please forward to this office legible copies of the following: ALL your patient's treatment records, including charts, treatment plans, all x-rays (properly mounted) and any models, a list of all charges and payments made (indicate whether payment was made by the patient or by insurance company), pre-treatment determinations, insurance claims forms and insurance claims vouchers. A check-list is included; please sign the completed form and return it with your response.

The Board also requests a response, in the form a **SEPARATE WRITTEN NARRATIVE** detailing the treatment rendered to the patient. When submitting copies of x-rays, please have them labeled clearly, dated and **PROPERLY MOUNTED** (with left and right sides identified) with your name and address and patient's name on each sheet of x-rays so that they may be returned to you at the conclusion of the case. Be sure that the x-rays are of diagnostic quality, sharpness and contrast. In addition, please ensure that any models are identified by the patient name, your name and office address.

The Board will expect your records and response in twenty (20) days. Return the enclosed check-list with your response. You will be notified by letter of any decision by the Board as soon

The request for records in this patient complaint is deemed a continuing request. Any records, x-rays, consultation reports, etc. that you may receive and/or add to the file, prior to disposition of this matter, are to be forwarded to the Board office with an appropriate explanation.

Please follow all directives in this correspondence PRECISELY. Failure to provide the Board with the information in the format detailed may result in the imposition of civil penalties by the Board.

Thank you for your cooperation in this matter.

Very truly yours,



Agnes M. Clarke
Executive Director

AMC/ck

cc: [REDACTED]

Enclosure



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMI
Attorney General

MARK S. HELLER
Director

July 3, 2000

SECOND REQUEST

VIA CERTIFIED MAIL 7000 0600 0029 3356 0265

Mailing Address

P.O. Box 456
Newark, NJ 07102

(973) 504-6400

Dr. John Mc Intyre Jr.
Braceworks
211 West End Avenue
Raritan, NJ 08869

RE: Complaint # 00-05-253

Patient: [REDACTED]

Dear Dr. Mc Intyre:

To date, the Board has received no response to our letter dated May 31, 2000 (copy enclosed), with regard to its request for records pertaining to the above noted complaint.

Pursuant to N.J.S.A13:45 C-1.3 (copy enclosed), you are hereby directed to comply with the Board's demand for patient records. If such records, including the checklist and written narrative are not received within **ten (10) days** of receipt of this letter, the matter will be referred to the Division of Law for appropriate administrative action.

Your prompt attention to this matter is anticipated.

Very truly yours,

Agnes M. Clarke
Executive Director

AMC/ck
Enclosures

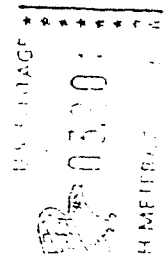
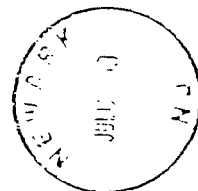
State of New Jersey
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 NEW JERSEY STATE BOARD OF DENTISTS
 PO BOX 45005
 NEWARK NJ 07101



7000 0600 0029 3356 0265

John McIntyre Jr.
21 West 2nd Avenue
Paterson, NJ 08609

Undelivered
 Addressed to
 Addressee's name
 Insufficient address
 No such office
 No such office in State
 Do not re-mail in this envelope



RH
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7/12

DIVISION OF
 CONSUMER AFFAIRS
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**U.S. Postal Service
 CERTIFIED MAIL RECEIPT**
 (Domestic Mail Only; No Insurance Coverage Provided)

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Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Recipient's Name (Please Print Clearly; No Box, Apt. or P.O. No.)
 Street, Apt. No., or P.O. Box No.
 City, State, Zip

Exhibit

D



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

August 3, 2000

Dr. John Mc Intyre
211 West End Avenue
Raritan, NJ 08869

PETER VER
Attorney G.
MARK S. I
Directo

Mailing Ad.
P.O. Box 4
Newark, NJ
(201) 504-

RE: Patient Records Rule
N.J.A.C. 13:30-8.7

Dear Dr. Mc Intyre:

The Board of Dentistry office has been advised that you have failed to provide copies of the entire patient record of [REDACTED] to [REDACTED].

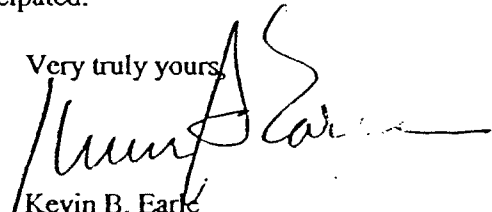
Enclosed is a copy of the Board's regulation which requires you to provide copies of the entire patient records, including legible copies of the treatment chart, x-rays and models within 14 days of receipt of a written request. The regulation does allow you to charge a 'reasonable' fee for the duplication of these records. The Board has determined a reasonable fee to be up to \$1.00 per page for copying records, and \$20. to \$25. for duplicating a full mouth series of radiographs.

Additionally, you cannot withhold patient records for payment of an outstanding balance, unless such balance is for 'diagnostic services'. Should the patient owe a balance for dental work provided, you may pursue collection of such services separately.

Pursuant to the regulation, you are to provide copies of the records to the patient within 14 days of receipt of this correspondence. Failure to comply with this directive may result in disciplinary action by the Board.

Your cooperation in this matter is anticipated.

Very truly yours,


Kevin B. Earle
Executive Director

KBE/ck

cc: [REDACTED] (00-08-355)

State of New Jersey
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 NEW JERSEY STATE BOARD OF DENTISTRY
 PO BOX 45005
 NEWARK NJ 07101

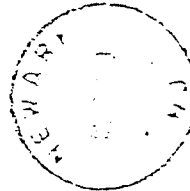
Dr. John Mc Intyre
 211 West End Avenue
 Raritan, NJ 08869

Name John Mc Intyre
 1st Notice 12/1
 2nd Notice 12/1
 Return 12/1

PLACE STICKER AT TOP OF ENVELOPE
 TO THE RIGHT OF RETURN ADDRESS
 FOLD AT DOTTED LINE
CERTIFIED MAIL



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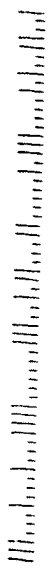
U.S. POSTAGE
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**U.S. Postal Service
 CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

Postage \$	Postmaster's Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Recipient's Name (Please Print Clearly) (to be completed by mailer)	
Street, Apt. No. or PO Box No.	
City, State, Zip+4	
PS Form 3800, February 2000 See Reverse for Instructions	

7000 0600 0029 3357 7089

0710145005





State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

December 2, 2000

PETER V.
Attorney
MARK S.
Direc

Dr. John Mc Intyre
211 West End Avenue
Raritan, NJ 08869

Mailing A
P.O. Box
Newark NJ
(201) 50-

SECOND REQUEST VIA CERTIFIED
RE: PATIENT RECORDS

Dear Dr. Mc Intyre:

This office has been contacted by [REDACTED] indicating that you have failed to release complete copies of [REDACTED] dental records as well as a financial breakdown of the account.

You may not be aware of the provision's of Board regulations on release of patient records, specifically N.J.A.C. 13:30-8.7, a copy of which is enclosed. Records may not be withheld due to an unpaid balance, except if the balance relates to diagnostic services. Failure to release records may subject you to discipline by the Board.

If you have any questions you regarding this letter, please contact the Board office at the above address or call us at (973) 504-6434.

I have read and understood the Board's letter dated December 2, 2000. I certify that the requested records have been provided to the patient on _____.

Thank you in advance for you prompt cooperation.

Very truly yours,

Kevin B. Earle
Executive Director

KBE/ck
ENCLOSURE

Exhibit

E



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, Jr.
Attorney General

MARK S. HERR
Director

Mailing Address

P.O. Box 45005
Newark, NJ 07101

(973) 504-6405

August 8, 2000

Dr. John McIntyre
211 West End Avenue
Raritan, NJ 08869

Re: Complaint # 00-08-371

Pt.: [REDACTED]

Dear Dr. McIntyre:

The Board of Dentistry has received a complaint regarding the above patient. It is the policy of the New Jersey State Board of Dentistry to investigate all written complaints relating to dental treatment.

In accordance with the authority granted to the Board at N.J.S.A. 45:1-18, please forward to this office legible copies of the following: ALL your patient's treatment records, including charts, treatment plans, all x-rays (properly mounted) and any models, a list of all charges and payments made (indicate whether payment was made by the patient or by insurance company), pre-treatment determinations, insurance claims forms and insurance claims vouchers. A check-list is included; please sign the completed form and return it with your response.

The Board also requests a response, in the form a SEPARATE WRITTEN NARRATIVE, detailing the treatment rendered to the patient. When submitting copies of x-rays, please have them labeled clearly, dated and PROPERLY MOUNTED (with left and right sides identified) with your name and address and patient's name on each sheet of x-rays so that they may be returned to you at the conclusion of the case. Be sure that the x-rays are of diagnostic quality, sharpness and contrast. In addition, please ensure that any models are identified by the patient name, your name and office address.

The Board will expect your records and response in twenty (20) days. Return the enclosed check-list with your response. You will be notified by letter of any decision by the Board as soon as possible.

The request for records in this patient complaint is deemed a continuing request. Any records, x-rays, consultation reports, etc. that you may receive and/or add to the file, prior to the disposition of this matter, are to be forwarded to the Board office with an appropriate explanation.

Please follow all directives in this correspondence precisely. You are reminded of your professional obligations under Board regulations to cooperate in any Board inquiry. The failure to do so may result in the initiation of disciplinary action.

Thank you for your anticipated cooperation in this matter.

Very truly yours,
BOARD OF DENTISTRY

A handwritten signature in black ink, appearing to read "Kevin B. Earle", written in a cursive style.

Kevin B. Earle
Executive Director

KBE/kb
Enclosure

Exhibit

F



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

January 16, 2001

Dr. John G McIntyre
211 West End Ave
Raritan, NJ 08869

Mailing Address

NEWARK, NJ 07102

(973) 504-6405

Re: Complaint # 01-01-026

Pt.: [REDACTED]

Dear Dr. McIntyre:

The Board of Dentistry has received a complaint regarding the above patient. It is the policy of the New Jersey State Board of Dentistry to investigate all written complaints relating to dental treatment.

In accordance with the authority granted to the Board at N.J.S.A. 45:1-18, please forward to this office **two (2)** legible copies of the following: ALL your patient's treatment records, including charts, treatment plans, all x-rays (properly mounted) and any models, list of all charges and payments made (indicate whether payment was made by the patient or by insurance company), pre-treatment determinations, insurance claims forms and insurance claims vouchers.

A check-list is included. Please sign the completed form and return it with your response.

The Board also requests a response, in the form a separate written narrative, detailing the treatment rendered to the patient. When submitting copies of x-rays, please have them labeled clearly, dated and properly mounted (with left and right sides identified) with your name and address and patient's name on each sheet of x-rays so that they may be returned to you after conclusion of the case. Be sure that the x-rays are of diagnostic quality, sharpness and contrast. In addition, please ensure that any models are identified by the patient name, your name and office address.

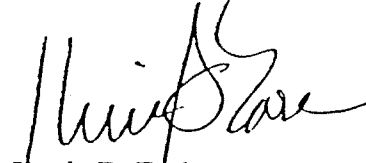
The Board will expect your records and response in twenty (20) days. Remember to attach the enclosed check-list with your response. You will be notified by letter of any decision by the Board as soon as possible.

The request for records in this patient complaint is deemed a continuing request. Any records, x-rays, consultation reports, etc. that you may receive and/or add to the file, prior to the disposition of this matter, are to be forwarded to the Board office with an appropriate explanation.

Please follow all directives in this correspondence PRECISELY. Failure to provide the Board with the information in the format detailed may result in the imposition of civil penalties by the Board.

Thank you for your cooperation in this matter.

Very truly yours,
BOARD OF DENTISTRY



Kevin B. Earle
Executive Director

KBE/ck

cc: [REDACTED]

Enclosure

Exhibit

G



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER,
Attorney General

MARK S. HERR
Director

January 25, 2001

Dr. John G. Mc Intyre Jr
211 West End Ave
Raritan, NJ 08869

Mailing Address

P.O. Box 45005
Newark, NJ 0710
(973) 504-6405

Re: Complaint # 01-01-053

Pt.: [REDACTED]

Dear Dr. Mc Intyre:

The Board of Dentistry has received a complaint regarding the above patient. It is the policy of the New Jersey State Board of Dentistry to investigate all written complaints relating to dental treatment.

In accordance with the authority granted to the Board at N.J.S.A. 45:1-18, please forward to this office **two (2)** legible copies of the following: ALL your patient's treatment records, including charts, treatment plans, all x-rays (properly mounted) and any models, a list of all charges and payments made (indicate whether payment was made by the patient or by insurance company), pre-treatment determinations, insurance claims forms and insurance claims vouchers.

A check-list is included. Please sign the completed form and return it with your response.

The Board also requests a response, in the form a separate written narrative, detailing the treatment rendered to the patient. When submitting copies of x-rays, please have them labeled clearly, dated and properly mounted (with left and right sides identified) with your name and address and patient's name on each sheet of x-rays so that they may be returned to you at the conclusion of the case. Be sure that the x-rays are of diagnostic quality, sharpness and contrast. In addition, please ensure that any models are identified by the patient name, your name and office address.

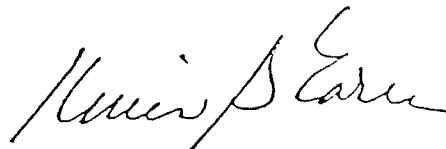
The Board will expect your records and response in twenty (20) days. Remember to return the enclosed check-list with your response. You will be notified by letter of any decision by the Board as soon as possible.

The request for records in this patient complaint is deemed a continuing request. Any records, x-rays, consultation reports, etc. that you may receive and/or add to the file, prior to the disposition of this matter, are to be forwarded to the Board office with an appropriate explanation.

Please follow all directives in this correspondence precisely. You are reminded of your professional obligations under Board regulations to cooperate in any Board inquiry. The failure to do so may result in the initiation of disciplinary action.

Thank you for your anticipated cooperation in this matter.

Very truly yours,
BOARD OF DENTISTRY

A handwritten signature in cursive script, appearing to read "Kevin B. Earle".

Kevin B. Earle
Executive Director

KBE/kb
Enclosure

Exhibit

H

ATTORNEY GENERAL OF NEW JERSEY

ATTORNEY FOR: Board of Dentistry

By: Nancy Costello Miller
Deputy Attorney General

OFFICE ADDRESS: P.O. Box 45005, 6th Floor
Newark, New Jersey

TELEPHONE NO: 973-504-6405



ADMINISTRATIVE ACTION

Subpoena

RE: Requests for records

The State of New Jersey, to: Dr. John McIntyre
211 West End Avenue
Raritan, New Jersey 08869

You are hereby commanded to attend and give testimony before the above named Professional Board of Dentistry at office of the Board of Dentistry 124 Halsey St., Newark, New Jersey

on 21st day, February 19 2001, at 10:00 o'clock A. M. on the

and that you bring with you and produce at the same time and place, the following
Copies of treatment records, including charts, treatment plans, all x-rays and fees charged
for the following patients: [REDACTED], [REDACTED], [REDACTED]

In addition a written narrative detailing the treatment rendered is
be submitted. If the information is received before 2-14-01, your appearance will not

In lieu of the above, you may turn over to the bearer of this subpoena, who is a representative of the State of New Jersey, Enforcement Bureau — Professions & Occupations, the demanded items at the time that this subpoena is served upon you, and you may, at your option and expense, provide a certified, true copy in lieu of the original documents.

Failure to comply with this subpoena may render you liable for contempt of court and such other penalties provided by law. This subpoena is issued pursuant to the authority of N.J.S.A. 45:1-14 et seq.

Dated: January 31, 2001 Nancy Miller
Deputy Attorney General

AFFIDAVIT OF SERVICE

On 19, I, the undersigned, being duly sworn according to law, do hereby depose and say that on February 21, 2001, at approximately 10:00 M., I served the Subpoena on Dr. John McIntyre at 211 West End Avenue, Raritan, New Jersey, by exhibiting the original Subpoena to and leaving a true copy thereof with said individual. Sworn and Subscribed to before me this

21st Day of February 19 2001

State of New Jersey
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 NEW JERSEY STATE BOARD OF DENTISTRY
 PO BOX 45005
 NEWARK NJ 07101

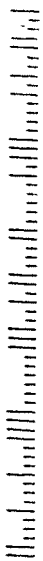
CERTIFIED MAIL



7099 3400 0015 5083 1625

Dr. John McIntyre
 211 West End Ave.
 Raritan, NJ 08869

1-5
 2/15
 2/15



0709 3400 0015 5083 1625

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Sent regular + certified 2-1-01

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark
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Recipient's Name (Please Print Clearly) (To be processed by mail)
 Dr. John McIntyre
 Street, Apt. No. or PO Box No.
 City, State, Zip

5291 3400 0015 5083 1625

Exhibit

I



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

DONALD T. DiFRANCESCO
Acting Governor

JOHN J. FA
Attorney
MARK S.
Director

February 28, 2001

Mailing Address
P.O. Box
Newark, N.J.
(973) 504

VIA CERTIFIED RRR and REGULAR MAIL

Dr. John McIntyre
211 West End Avenue
Raritan, NJ 08869

Dear Dr. McIntyre:

The Subpoena dated January 31, 2001 ordered your appearance on February 21, 2001 at the Board Office, or in lieu of your appearance you had the opportunity to produce true copies of the original documents.

On the date of the required appearance the Board office received a telephone call from you stating that your car had been stolen and that you were unable to attend or produce document on that date.

The Board is requesting that you provide a copy of the police report for the above referenced incident. I direct your attention to the enclosed regulations entitled "Licensee Duty to Cooperate". Please be advised that the failure to cooperate may result in a referral to the Attorney General for the initiation of disciplinary action up to and including suspension or revocation of your license.

Your response will be required within seven (7) days from the receipt of this letter.

BOARD OF DENTISTRY

Very truly yours,

Kevin B. Earle
Executive Director

cc: Nancy Costello Miller, Deputy Attorney General

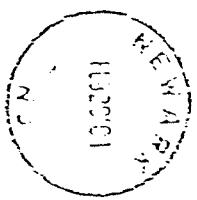
CERTIFIED MAIL

State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY
PO BOX 45005
NEWARK NJ 07101

RETURN TO SENDER
Undelivered
Addressed to
No such office in state
By mail (enclose in letter)

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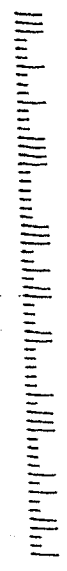
Dr. John McIntyre
211 West End Avenue
Raritan, NJ 08869



U.S. POSTAGE
037
METER NO. 13

NAME
1st Name
2nd Name
Religion

27



Affidavit of Service

Re: FILE #2 - 1386 - 01 - 1440

Date: 10/11/01

I, RON KALL, being an adult over eighteen years of age and duly sworn by law served the enclosed subpoena on MR. JOHN C. McINTYRE JR. at 10-12-01
6. S. SKAMOND SE NEWTON PA on the above date.

Signed

Ron Kall
DJC Investigations

Sworn to and subscribed before me
this 18th day of Oct 2001.

Christa M. Bauer

NOTARIAL SEAL
CHRISTA M. BAUER, Notary Public
Lower Southampton Twp., Bucks County
My Commission Expires May 21, 2005

Exhibit

J

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Dentistry

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON July 11, 2001 MTD

By: Nancy Costello Miller
Deputy Attorney General
(973) 648-4735

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

JOHN G. MC INTYRE, JR., D.D.S.
Licensed No. DI 15633

LICENSED TO PRACTICE
IN THE STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

This matter was opened to the Board of Dentistry ("Board") on information received from the Division of Criminal Justice, Office of the Insurance Fraud Prosecutor ("OIFP"), and upon the receipt of six patient complaints from patients, J.M., C.B., C.V., R.S., W.L., and W.F. regarding John Mc Intyre, D.D.S. ("respondent"), which the Board has reviewed and on which the following preliminary findings are made:

PROPOSED FINDING OF FACTS

1. Respondent has been a licensee of the Board at all times relevant to this order.
2. On November 9, 2000, respondent entered into a consent order with OIFP agreeing to pay a civil penalty in the amount of \$5000.00 upon a finding that he knowingly signed and submitted a claim to the Prudential Insurance Company of America certifying that Comprehensive Orthodontic Treatment (procedure code 08070) was completed when, in fact, only Phase I of the orthodontic

treatment was provided to patient Z. A., in violation of N.J.S.A. 17:33A-4. Consent Order annexed here as Exhibit A.

3. By regular mail dated March 28, 2000, the Board requested patient records regarding patient R.S. Because respondent did not comply with the Board's request, a second request, dated April 27, 2000, was forwarded by regular and certified mail. Neither the certified mail return receipt green card nor the regular mail was returned. Respondent did not comply with the Board's request for patient records. A third request dated, June 27, 2001, was made by regular and certified mail. The regular mail was not returned. As evidenced by the return receipt card (Exhibit B), respondent received the June 27, 2000 letter. To date respondent has not complied with the Board's request.

4. By regular mail dated May 31, 2000, the Board requested a copy of the patient records regarding patient J.M. Because respondent did not comply with the Board's request, a second request dated July 3, 2000 was sent by regular and certified mail. The certified mail was returned marked "return to sender" and the regular mail was not returned. A copy of the July 3, 2000 letter and a copy of the certified mail envelope is attached as Exhibit C. To date respondent has not complied with the Board's request.

5. By regular mail dated August 3, 2000, the Board requested patient records regarding patient C.B. Because respondent did not comply with the request, a second request dated December 2, 2000 was made by regular and certified mail. The certified mail was marked "return to sender" and the regular mail was not returned. A copy of the August 3, 2000 and December 2, 2000 letters and a copy of the certified mail envelope are attached as Exhibit D. To date respondent has not complied with the Board's request.

6. By regular mailed dated August 8, 2000, the Board requested patient records regarding patient C.V. A copy of the August 8, 2000 letter is attached as Exhibit E. The regular mail was not returned. To date respondent has not complied with the Board's request.

7. By regular mail dated January 16, 2001, the Board requested patient records regarding patient W.L. A copy of the letter dated January 16, 2001 is attached as Exhibit F. The regular mail was not returned. To date respondent has not complied with the Board's request.

8. By regular mail dated January 25, 2001, the Board requested patient records regarding patient W.F. A copy of the letter dated January 25, 2001 is attached as Exhibit G. The regular mail was not returned. To date respondent has not complied with the Board's request.

9. On January 31, 2001, a subpoena was sent by regular and certified mail requiring respondent to appear on February 21, 2001 and to produce records previously requested. The certified mail was returned "return to sender" and the regular mail was not returned. A copy of the Subpoena and a copy of the certified mail envelope are marked as Exhibit H.

10. Respondent did not produce the records nor did he appear on February 21, 2001.

11. On February 21, 2001 a male representing himself to be John McIntyre telephoned the Board Office and spoke to Lynn Edler. The caller advised that he was unable to appear because his car was stolen. The caller further stated that he would send a copy of the police report to the Board office by fax. To date the Board office has not received a copy of a police report.

12. On February 28, 2001 the Board sent a letter by certified and regular mail to respondent requesting that he forward a copy of the police report relating to the purported theft of his motor vehicle on or about February 21, 2001, the date of respondent's subpoenaed appearance. To date respondent has failed to respond to the request. A copy of the letter and the certified mail envelope marked "return to sender" are attached as Exhibit I.

CONCLUSIONS OF LAW

Respondent's actions as set forth in this provisional order provide grounds for disciplinary action pursuant to the provisions of the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq. Respondent's signing a consent order with the Office of the Insurance Fraud Prosecutor provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (b) and (k). Further, respondent's

conduct in failing repeatedly to respond to the Board's request for information and patient records and failing to appear pursuant to a Board subpoena provides grounds for discipline in violation of N.J.S.A. 45:1-21 (e) as professional misconduct and in violation of N.J.S.A. 45:1-21 (h) as failing to comply with a regulation administered by the Board, specifically N.J.A.C. 13:45C-1.4 pertaining to a licensee's duty to cooperate.

IT IS THEREFORE, ON THIS 11th DAY OF JULY 2001,
HEREBY PROVISIONALLY ORDERED that::

1. Respondent shall comply with all outstanding requests for information from the Board, including the submission of the true copies of complete patient records for those patients identified in this Order as R.S., J.M., C.B., C.V., W.L., and W.F., and the submission of a true copy of the police report related to the theft of respondent's motor vehicle.

2. In addition to the suspension imposed in paragraph 3 below, respondent's license to practice dentistry in the State of New Jersey shall be suspended indefinitely until respondent complies with outstanding requests for information and satisfies all monetary obligations imposed pursuant to a final order entered in this matter.

3. Based on respondent's conduct which resulted in the entry of the Consent Order by respondent and the Office of the Insurance Fraud Prosecutor, respondent's license to practice dentistry in this State shall be suspended for a period of 2 years, of which 3 months shall be served as an active suspension. The period of suspension set forth in this paragraph shall commence immediately following the conclusion of the period of suspension imposed in Paragraph 1 above.

4. Respondent shall pay a civil penalty in the amount of \$12,500, \$7,500 of which represents a penalty for violation of N.J.S.A. 45:1-21 (e) and (h) for the failure to cooperate, and \$5000 of which reflects a penalty for violation of N.J.S.A. 45:1-21(b) and (k) knowing submission

of a false insurance claim. Payment shall be made by certified check or money order payable to the State of New Jersey and submitted to Kevin B. Earle, Executive Director, Board of Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street Newark, New Jersey. within 30 days of entry of a final order in this matter.

5. Respondent shall pay costs as determined by the Board which costs shall be set forth in an affidavit and provided to respondent within sixty (60) days of the entry of the final order in this matter. Respondent, within thirty (30) days of receipt of the notice of such costs, shall forward a certified check or money order in the amount of costs assessed to Executive Director Kevin B. Earle at the address in paragraph 4 above.

6. Respondent's refusal to accept correspondence from the Board, whether by certified or regular mail or through personal service, shall be deemed non compliance with the terms of this order for purposes of the suspension imposed by paragraph 2 above.

7. This Provisional Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following the entry unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

(a) Submitting a written request for modification or dismissal to Kevin B. Earle, Executive Director of the Board of Dentistry, at P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101.

(b) Setting forth in writing any and all reasons why the findings and conclusions should be modified or dismissed.


(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore, including any information that respondent may wish the Board to consider in mitigation of a penalty to be imposed.

8. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a

supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained in this Provisional Order shall serve as notice of the factual and legal allegations in such proceedings.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Barbara A. Rich, D.D.S.
President

Exhibit

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State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

124 HALSEY STREET

PO BOX 45029

NEWARK, NJ 07101

E-Mail: @law.dol.lps.state.nj.us

(973) 648-4735

December 4, 2001

DONALD T. DiFRANCESCO
Acting Governor

JOHN J. FARMER, JR.
Attorney General

JEFFREY J. MILLER
*Assistant Attorney General
Director*

Robert J. Conroy, Esq.
Kern, Augustine, Conroy & Schoppmann
1120 Route 22 East
Bridgewater, New Jersey 08807

By fax: (908) 704-8899 and regular mail

Re: John G. McIntyre, D.D.S.

Dear Mr. Conroy:

Confirming our conversation of this date: based on your request, the Board's president, Emil Cappetta, D.D.S., has adjourned consideration of proposed discipline until January 2, 2002. Any response which Dr. McIntyre wishes the Board to consider shall be filed with the Board office, with a copy to me, not later than Monday, December 24, 2001. A response to those submissions, if any, will be forwarded to you and the Board not later than December 31, 2001.

Very truly yours,

JOHN J. FARMER, JR.

ATTORNEY GENERAL OF NEW JERSEY

By:

Nancy Costello Miller
Deputy Attorney General

cc Kevin B. Earle, Executive Director
State Board of Dentistry

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Kern Augustine Conroy & Schoppmann, P.C.

"ATTORNEYS TO HEALTH PROFESSIONALS"

Steven L. Kern (NJ Bar)
Algis K. Augustine (IL, CO & NY Bars)
Robert J. Conroy (NY, NJ, PA, CA, FL & DC Bars)
Michael J. Schoppmann (NJ, NY & DC Bars)

T. Lawrence Tabak (NJ & NY Bars)
Dennis J. Alessi (NJ, NY & DC Bars)
Steven A. Holt (NJ & PA Bars)
Debra Sanders (NJ & PA Bars)
Dorcas Lee Mantel RN (NJ Bar)
R. Bruce Crella (NJ Bar)
JoAnn Pietro RN (NJ Bar)
Bonnie M. Weir (NJ & NY Bars)
Matthew Levy (NY Bar)

Wendy A. Sclupfl (NY Bar)

Please Reply to: North/Central New Jersey Office

North/Central New Jersey:
1120 Route 22 East, Bridgewater, NJ 08807
Tel: (908) 704-8585, Fax: (908) 704-8899
E-mail: kern@drlaw.com
Website: www.drlaw.com

Southern New Jersey:
1 Eves Drive, Suite 148
Marlton, NJ 08053
Tel: (856) 810-1002, Fax: (856) 810-1003

New York:
420 Lakeville Road, Lake Success, NY 11042
Tel: (516) 326-1880, Fax: (516) 326-2061

Illinois Affiliate:
Augustine, Kern and Levens, Ltd.
218 N. Jefferson Street, Chicago, IL 60661
Tel: (312) 648-1111, Fax: (312) 648-4057

December 27, 2001

Via Fax

Nancy Costello Miller
Deputy Attorney General
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101

Re: Dr. John G. McIntyre, Jr.

Dear Ms. Miller:

We will need until January 3rd to get the materials previously ~~provided~~ to you. We trust that this will not be a problem. Thank you.

Very truly yours,

KERN AUGUSTINE
CONROY & SCHOPPMANN, P.C.

By: 

Robert J. Conroy

cc: Mr. Kevin Earle
Dr. McIntyre